

Notice of Allowability

Application No.

09/929,023

Examiner

Lisa Hashem

Applicant(s)

CHAN ET AL.

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7-14-05.
2. ☒ The allowed claim(s) is/are 1 and 3-34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Allowable Subject Matter

1. The following is an examiner's statement of reasons for allowance: upon close review of the claims, the prior art, and applicant's remarks it appears that the allowance of claims 1 and 3-34 are appropriate.

Referring to the claimed invention, U.S. Patent No. 6,356,645 by Trenkle a hands-free device (Fig. 1, 11) including a housing or casing (Fig. 1, 12; Fig. 3, 12) for use with a mobile phone (col. 4, lines 61-66) and a vehicle seat headrest support structure (Fig. 1, 16), the device including a speaker (Fig. 1, 18) and a microphone assembly (Fig. 1, 24; Fig. 3, 24) for use in combination with a spring (Fig. 3, 37) that couples the device to the headrest support structure and simultaneously allows the spring to be tensioned and held in a tensioned condition by a spring tensioning mechanism via a length adaptor (Fig. 3, 39) to engage the vehicle seat headrest support structure to secure the speaker and microphone assembly adjacent a head of an occupant of the seat via a recess (Fig. 3, 41) to thereby allow the seat occupant to hear information communicated via the mobile phone and the speaker of the hands-free device while the occupant may simultaneously communicate via a microphone of the microphone assembly, and wherein the tensioning mechanism, upon the application of tension to the spring via the length adaptor (Fig. 3, 39), is positioned to engage and engages the housing of the device to maintain the spring under tension to secure the device to the headrest support structure (col. 4, line 38 – col. 5, line 3; col. 5, lines 45-67).

U.S. Patent No. 6,567,651 by Whitley discloses a hands-free device (Figs. 7, 30) including a housing or body (Fig. 7, 31) for use with a mobile phone hands-free speaker and microphone device, e.g. a mobile phone, (col. 6, lines 13-17) and a user's arm, midriff, or leg,

Art Unit: 2645

the device for use in combination with a strap (Fig. 8, 37) that couples the device to the user's arm, midriff, or leg and simultaneously allows the strap to be tensioned and held in a tensioned condition by a strap tensioning mechanism or adjustable clip (Fig. 8, 37) to engage the user's arm, midriff, or leg to secure the device to allow the user to carry the mobile phone, and wherein the tensioning mechanism or adjustable clip, upon the application of tension to the strap, is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the user's arm, midriff, or leg (col. 5, line 59 – col. 6, line 23).

None of the prior art disclose the tensioning mechanism upon the application of tension to the strap, is positioned to engage and engages the housing of the device to maintain the strap under tension to secure the device to the headrest support structure as shown in Figures 4 and 5 and as claimed in Claims 1 and 25, securing the elongated device to the headrest support structure by means of the strap and the strap tensioning mechanism being attached to the housing of the device to tension the strap so that the strap passes under tension through a portion of the device as shown in Figures 4 and 5 and as claimed in Claims 32 and 33, and securing the elongated device to the headrest support structure by means of the strap and the strap tensioning mechanism being attached to the housing of the device to tension the strap to thereby constrain the device positionally to be in a parallel relationship with the centerline of the device and in a generally perpendicular relationship to the pillars, as shown in Figures 4 and 5 and as claimed in Claim 34.

Art Unit: 2645

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

3. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

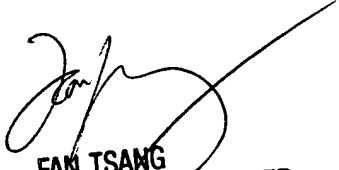
Art Unit: 2645

5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

September 12, 2005


FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600